

** E-filed 9/9/08**

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

POLIMASTER LTD and NA&SE TRADING CO.
LTD.,

Plaintiffs,

v.

RAE SYSTEMS, INC.,

Defendant.

Case Number C 05-1887-JF HRL

ORDER¹ RE ENTRY OF JUDGMENT
AND CORRECTION OF PARTY
MISIDENTIFICATIONS

[re: docket nos. 49, 74]

Defendant RAE Systems, Inc., has brought to the Court's attention an omission and an error in its Order Granting Defendant's Motion to Confirm Arbitration Award filed on February 25, 2008 ("the Order"). First, the Court did not enter judgment when it issued the Order. The omission was inadvertent; Defendant did request entry of judgment in addition to confirmation of the arbitration award. Second, the Order confuses two of the parties: Polimaster Ltd. is misidentified as a Delaware corporation, and RAE Systems, Inc. is misidentified as a corporation organized under the laws of the Republic of Belarus, when in fact the opposite is the case. Both

¹ This disposition is not designated for publication in the official reports.

1 the omission and the misidentification of the parties were non-substantive clerical errors.²

2 Pursuant to Federal Rule of Civil Procedure 60(a), this Court “may correct a clerical
3 mistake . . . whenever one is found in a judgment, order, or other part of the record.” Fed. R.
4 Civ. P. 60(a). The Court may make such a correction on motion, or on its own, with or without
5 notice. *Id.* However, “after an appeal has been docketed in the appellate court and while it is
6 pending, such a mistake may be corrected only with the appellate court’s leave.” *Id.*
7 Accordingly, this Court directs the Clerk of the Court to transmit the instant order to the Court of
8 Appeals so that the Court of Appeals may consider whether to grant leave to correct the clerical
9 errors.

10 IT IS SO ORDERED.

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13 DATED: 09/09/08

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15 JEREMY FOGEL
United States District Judge
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25 ²In a letter to the Court dated September 3, 2008, Plaintiffs argue that Defendant
26 inappropriately requests reconsideration of the Ninth Circuit’s order denying Defendant’s motion
27 for a limited remand. However the Ninth Circuit’s order apparently is based on that court’s
28 conclusion that the non-substantive nature of this Court’s order is not evident on the face of the
record. The purpose of the current order is to provide the Ninth Circuit with additional
information as to this Court’s intentions.

1 This Order has been served upon the following persons:

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